

SCHEDULES.

SECOND SCHEDULE

Section 1.

INCORPORATION OF ENACTMENTS.

PART I

The Lands Clauses Acts.

- 1 In relation to any compulsory purchase to which the provisions of the foregoing Schedule apply the Lands Clauses Acts are hereby incorporated with the enactment under which the purchase is authorised ; and in construing those Acts as so incorporated—
 - (a) the enactment under which the purchase is authorised and the compulsory purchase order shall be deemed to be the special Act ;
 - (b) references to the promoters of the undertaking shall be construed as references to the authority authorised by the compulsory purchase order to purchase the land.
- 2 The following sections of the Lands Clauses Consolidation Act, 1845, shall be excepted from incorporation as aforesaid, that is to say—
 - (a) sections one hundred and twenty-seven to one hundred and thirty-two (which relate to the sale of superfluous land) ;
 - (b) in the case of a purchase under the Housing Act, 1936, and in any other case in which the compulsory purchase order so provides, section one hundred and thirty-three (which relates to promoters making good deficiencies in land tax and rates); and
 - (c) sections one hundred and fifty and one hundred and fifty-one (which relate to access to the special Act).
- 3
 - (1) Where a local authority or Minister have been authorised in accordance with the provisions of section one of this Act to purchase any land compulsorily, then, at any time after serving notice to treat and after serving on the owner, lessee and occupier of the land not less than fourteen days notice, the authority or Minister may enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to the payment of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if the provisions of those sections had been complied with.
 - (2) Where under this paragraph any notice is required to be served on an owner of land, and the land is ecclesiastical property as defined in paragraph 3 of the foregoing Schedule, a like notice shall be served on the Ecclesiastical Commissioners.
 - (3) Paragraph 19 of the foregoing Schedule shall apply to the service of notices under this paragraph.

Status: This is the original version (as it was originally enacted).

- 4 The following provisions shall have effect in substitution for the provisions of section ninety-two of the Lands Clauses Consolidation Act, 1845, that is to say, no person shall be required to sell a part only of any house, building or manufactory, or of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom the compensation is to be assessed determines that, in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the tribunal so determines, the tribunal shall award compensation in respect of any loss due to the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell to the acquiring authority that part of the house, building, manufactory, park or garden.
- 5 Any sums agreed upon or awarded for the purchase of land being ecclesiastical property as defined in paragraph 3 of the foregoing Schedule, or to be paid by way of compensation for damage sustained by reason of severance or injury affecting such land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.
- 6 Notices required to be served by the acquiring authority may, notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, be served and addressed in the manner specified in paragraph 19 of the foregoing Schedule.

PART II

Railways Clauses Consolidation Act, 1845.

- 7 (1) A compulsory purchase order may make provision for the incorporation with the enactment under which the purchase is authorised of section seventy-seven of the Railways Clauses Consolidation Act, 1845 (which relates to the exception of minerals from purchases) and sections seventy-eight to eighty-five of that Act (which relate to restrictions on the working of minerals) as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923, or the said section seventy-seven only.
- (2) Such provision may be made as to all or any of the land to which the compulsory purchase order relates, and may include such modification of references in the said sections to the railway or works, or to the company, as may be specified in the order, and sub-paragraph (a) of paragraph 1 of this Schedule shall apply for the construction of the said sections as incorporated by the order.

PART III

Acquisition of Land (Assessment of Compensation) Act, 1919.

- 8 The arbitrator shall not take into account any interest in land, or any enhancement of the value of any interest in land by reason of any building erected, work done or

improvement or alteration made, whether on the land purchased or on any other land with which the claimant is, or was at the time of the erection, doing or making of the building, works, improvement or alteration, directly or indirectly concerned, if the arbitrator is satisfied that the creation of the interest, the erection of the building, the doing of the work, the making of the improvement or the alteration, as the case may be, was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

PART IV

Purchases under Section 2.

- 9 In relation to a compulsory purchase authorised in accordance with section two of this Act, references in sub-paragraph (b) of paragraph 2 and in paragraph 7 of this Schedule, or in subsection (4) of section eighteen of the Town and Country Planning Act, 1944, to an order authorising a compulsory purchase of land shall be construed as references to the authorisation under section two of this Act.